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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,602	04/02/2004	Thomas B. Lee	29106.00	3141

22465 7590 03/02/2005

PITTS AND BRITTIAN P C
P O BOX 51295
KNOXVILLE, TN 37950-1295

EXAMINER

LOFDAHL, JORDAN M

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 03/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/817,602

Applicant(s)

LEE ET AL.

Examiner

Jordan Lofdahl

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/2/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 15 is objected to because of the following informalities:

As to claim 15, "The method" should be --The process--.

As to claim 16, "The apparatus" should be --The process--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Duncan et al. (6170439).

As to claim 1, Duncan et al. discloses a transmitting unit (11) sending a coded signal inherently having an id code (it is inherent that remote control signals are coded so only the designated receiver of the signal processes the signals); a stimulation type code being a beep (51) or a shock (abstract) and a stimulation level code (shock intensity); a

Art Unit: 3644

receiver (19); a processor (22); a speaker (51); a switch (claim 1); the processor controlling a pulse stream (fig. 8B) applied to the switch said pulse stream having a voltage level related to a value of the stimulation code; a transformer (31) electrically connected to the switch and producing a pulse stream (fig. 8B) and at least one electrode (33 and 34).

As to claim 2, disclosed is a pulse stream having a fixed pulse width (fig. 8B), a fixed pulse frequency (fig. 8b) and a variable amplitude (fig. 8A).

As to claim 3, disclosed is having a plurality of output connections that connect to a plurality of resistors that form a voltage divider network (fig. 3).

As to claim 4, disclosed is a processor that receives a coded signal, verifies the id code, and determines if a beep or shock is generated and generates the signal.

As to claim 5, disclosed is a beep switch (32); shock switch (high voltage) and a stimulation lever (low voltage) switch.

As to claim 6, disclosed is a processor (22) that receives a coded signal, verifies the id code, and determines if a beep or shock is generated and generates the signal for a specified level (fig. 3); a switch (claim 1) controlled by the processor and the processor controlling the voltage level applied to the switch (table 1); a transformer producing a

Art Unit: 3644

pulse having a pulse voltage directly related to said voltage level applied to said switch (fig. 8B); and at least one electrode (33 and 34) connected to the transformer.

As to claim 7, disclosed is a beeper with a speaker (51).

As to claim 8, disclosed is a processor (22) that receives a coded signal, verifies the id code, and determines if a beep or shock is generated and generates the signal for a specified level (fig. 3); a means for producing an electrical stimulation (24).

As to claim 9, disclosed is a pulse stream having a fixed pulse width (fig. 8B), a fixed pulse frequency (fig. 8b) and a voltage level (table 1).

As to claim 10, disclosed is a beeper with a speaker (51).

As to claim 11, disclosed is a receiver (19); a decoder (22); and a means for producing a shock (24).

As to claim 12, disclosed is a pulse stream having a fixed pulse width (fig. 8B), a fixed pulse frequency (fig. 8b) and a voltage level (table 1).

As to claim 13, disclosed is a beeper (51).

Art Unit: 3644

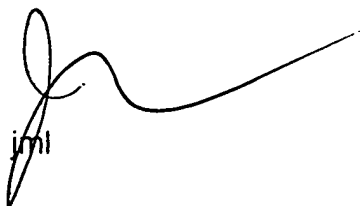

As to claims 14-28, the method steps of the instant claim are readily apparent during the operation of the device of Duncan et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan Lofdahl whose telephone number is 703.605.1217. The examiner can normally be reached on m-f 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 703.305.7421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'J. Lofdahl', with a long horizontal flourish extending to the right.A handwritten signature in black ink, appearing to be 'Teri Luu', with a stylized, looped design.

TERI PHAM LUU
SUPERVISORY
PRIMARY EXAMINER